

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN WHITAKER,
Plaintiff,

v.

PHIL'S KITCHEN CORPORATION,
Defendant.

Case No. [21-cv-03289-SK](#)

**ORDER OF CONDITIONAL
DISMISSAL**

Regarding Docket No. 26

Plaintiff filed a notice of settlement in which he advised the Court that the above captioned matter has provisionally settled. In light of the settlement, the Court HEREBY ORDERS that this action is DISMISSED without prejudice; provided, however that if any party hereto shall certify to this Court within ninety days, with proof of service, that the settlement was not consummated or that the agreed consideration for settlement has not been delivered over, the foregoing order shall stand vacated and this case shall be restored to the calendar and set for trial. If no certification is filed, after passage of ninety days, the dismissal shall be with prejudice.

IT IS SO ORDERED.

Dated: January 26, 2022



SALLIE KIM
United States Magistrate Judge